UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: MOHAMMED MAHMUD HMAIDAN XXX-XX-4093 DEBTOR (S)	CASE NO. 14-04432-MCF CHAPTER 13

TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED POST CONFIRMATION PLAN MODIFICATION

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.** Gen Unsecured Pool: **$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **$581.00 R2016 STM. $3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: $2,464.00 Fees paid: $2,464.00 Fees Outstanding: $0.00

With respect to the proposed (amended) Plan dated: **10/30/2015** (Dkt 66). Plan Base: $**36,860.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- **[§1325(a)(5)(A)]** Secured creditor SANTANDER MORTGAGE provided for in the Plan has/have NOT ACCEPTED the same.

- **Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021]** - SANTANDER MORTGAGE, secured creditor provided for in the plan, is yet to file its proof of claim for post petition arrears. Said creditor will not participate from the disbursements regarding said arrears until it files its claim.

- **Feasibility [§1325(a)(6)]: Default in payments to Trustee** - Under the proposed plan Debtor is one (1) month, **or $525.00,** in arrears with the Trustee. The pending payment pertains to the month **of, OCTOBER 2015;** which became due on the **30TH** day of the month. Debtors must show by definite and credible evidence that they can comply with payments as proposed. To satisfy feasibility, a Debtor's plan must have a reasonable likelihood of success, i.e., that it is likely that debtor will have the necessary resources to make all payments as directed by the plan. 11 USC 1325 (a)(6); In re Brunson, 87 B.R. 304, 313 (Bankr. D.N.J.1988), In re Fantasia, 211 B.R. 420, 423 (B.A.P. 1 rst Cir. 1997). Thus, the debtor carries the initial burden of showing that the plan is feasible. In re Felberman, 196 B.R. 678, 685 (Bankr. S.D.N.Y. 1995); In re Endicott, 157 B.R. 255, 263 (W.D. Va. 1993).

Trustee objects the additional compensation for legal fees requested by debtor' (s") counsel in the amount of $350.00 until above matters are resolved.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this November 12, 2015.

/s/ Jose R. Carrion

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